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OLC RECORD COPY

OLC 77-1810

4 May 1977

IND
JAMES E. RAY

HSCA
77-0014/18

MEMORANDUM FOR THE RECORD

SUBJECT: Meeting with Mr. Stephen Fallis, Deputy Chief Counsel, House Select Committee on Assassinations (HSCA)

1. I met with Mr. Fallis in his office for about 25 minutes on this date. We had agreed by phone to get together for a general discussion. In addition, Mr. Fallis had five summary investigative reports on staffers of the Committee which he wished passed to the CIA Director of Security for determination on whether these individuals met the standards of DCID 1/14. I also had an FOIA release concerning James Earl Ray which I wished to provide to the Committee in accordance with previous practices.

2. The discussion immediately turned to clearances and Mr. Fallis seemed rather embarrassed to inform me that the five summary reports had been returned to the FBI because the Committee had some question about the substance of these reports. For example, he stated that an allegation would be contained wherein an anonymous informant would state that he did not believe the subject of the investigation should be trusted with national security information. Fallis said that they did not know how to handle this type of allegation and they were asking the FBI for more amplification. I told Mr. Fallis that I was not familiar with the details of investigative procedures and could not comment one way or the other.

3. Mr. Fallis commented that the Bureau had been able to conduct their investigation on these five subjects in a period of about two weeks. An additional group of more than 50 requests for investigation had been submitted to the FBI and he hopes to have them back by mid-May. He did not indicate whether they intended for this to be the full number of staffers to receive clearances in accordance with DCID 1/14.

4. We then discussed procedures in very general terms. I informed him that I was not prepared to go over a draft with him today, since some coordination was still in process on the agreement we had drawn up. I explained that since our last discussions, in December 1976, two other committees in the House of Representatives would be dealing with us regarding allegations of improper activity by the KCIA. As much as possible, we thought that the same general procedures should apply to other committees in the House. He agreed but asked that the HSCA not be presented with a fait accompli wherein we may have reached an agreement with one of the other committees first. I assured Mr. Fallis that that

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would not occur. In the course of this discussion, Mr. Fallis mentioned the HSCA security officer. I asked who this was and what background he had in security. He replied that their first security officer, a Mr. Kelly, had returned to the Senate Select Committee on Intelligence and that his assistant--a Mr. Morrison--was filling that position. Mr. Fallis stated that he thought Mr. Morrison had had some security experience in the Navy.

5. Mr. Fallis then presented me with a copy (attached) of an employee non-disclosure agreement that the HSCA staff had developed. I told him that we would examine this agreement and get back to him. He said they felt it very necessary to have such an agreement since they expect that some employees would be leaving because of the "turmoil" the Committee had been through and they wanted a good, binding agreement.

6. In conclusion, Mr. Fallis inquired as to whether we were ready to begin working with the Committee. I replied that we were prepared after certain administrative and security procedures had been agreed upon. We parted on this note and I told him that I would be back in touch in a few days. Mr. Fallis appeared to be far more relaxed and much less aggressive than he had been in previous encounters last fall.

Douglas T. Cummins
Chief, Coordination and Review Staff
Office of Legislative Counsel

Attachment:
As stated

Distribution:
Original - OLC Subject w/att
1 - OLC Chrono w/o att
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(1 cy. attachment only - Dick Rininger,OGC)

OLC:DTC:hms (6 May 1977)

SECRET

SELECT COMMITTEE ON ASSASSINATIONS
EMPLOYEE NONDISCLOSURE AGREEMENT

I, _____, in consideration for being employed by or engaged by contract or otherwise to perform services for or at the request of the House Select Committee on Assassinations, do hereby agree to accept as conditions precedent for my employment or engagement, and for my continuing employment or engagement with the Select Committee, the obligations set forth below:

1. I have read the Rules of the Select Committee, and I hereby agree to be bound by them and by the Rules of the House of Representatives.

2. I hereby agree never to divulge, publish or reveal by words, conduct or otherwise, any testimony given before the Select Committee in executive session (including the name of any witness who appeared or was summoned to appear before the Select Committee in executive session), the contents of any material or information pertaining to the assassination investigations, any classified information or any information pertaining to intelligence sources and methods as designated by the Director of Central Intelligence, and any confidential or sensitive information, as described in Committee Rule 10.8, which is received by the Select Committee or which comes into my possession by virtue of my position with the Select Committee, to any person not a member of the Select Committee or its staff unless authorized by the Select Committee, or after its termina-

tion, by such manner as the House of Representatives may determine.

3. I hereby agree to familiarize myself with the Select Committee's security procedures and to provide at all times the required degree of protection against unauthorized disclosure for all information and materials which come into my possession by virtue of my position with the Select Committee.

4. I hereby agree that any material which includes or is based upon material or information, including any classified information or information pertaining to intelligence sources or methods as designated by the Director of Central Intelligence, received by the Select Committee or which came into my possession by virtue of my position with the Select Committee during my tenure with the Select Committee, and which is contemplated for publication or actually prepared for publication by me, will, prior to discussing it with or showing it to any publishers, editors or literary agents, be submitted to the Select Committee to determine whether said material contains any information which I pledge hereby not to disclose. I will take no steps toward publication until authorized by the Select Committee, or after its termination, by such manner as the House of Representatives may determine.

5. I hereby agree to report without delay to the Select Committee any attempt by any person not a member of the Select Committee staff or a designated member of the Committee Members' staffs to solicit information from me which I pledge hereby not to disclose.

6. I hereby agree to immediately notify the Select Committee, or after its termination, the House of Representatives, if I am called upon to testify or provide information to the proper authorities which I am pledged hereby not to disclose. I will request that my obligation to respond is established before I do so.

7. I hereby agree to surrender to the Select Committee, upon demand by the Chairman or upon my separation from the Select Committee staff, any material or information, including any classified information or information pertaining to intelligence sources or methods as designated by the Director of Central Intelligence, which comes into my possession by virtue of my position as a member of the Select Committee staff.

8. I understand that any violation of the Select Committee Rules, security procedures or this agreement shall result in my immediate termination.

9. I hereby assign to the United States Government all rights, title and interest in any and all royalties, remunerations, and emoluments that have resulted or may result from any divulgence, publication or revelation in violation of this agreement.

10. I understand that the United States Government, prior to any unauthorized disclosure by me of information which may endanger the national security or the life of any individual, may choose to apply for an appropriate court order prohibiting disclosure. Nothing in this agreement constitutes a waiver on the part of the United States of the right to prosecute for any statutory violation. Nothing in this agreement constitutes a waiver on my part of any defenses I may have in any civil or criminal proceedings.

11. I have read the provisions of the Espionage Laws, Sections 793, 794 and 798, Title 18, United States Code, and of Section 783, Title 50, United States Code (copies of which are attached), and I am aware that unauthorized disclosure of certain classified information may subject me to prosecution for violation of these laws. I have read Section 1001, Title 18, United States Code (a copy of which is attached), and I am aware that the making of a false statement herein is

punishable as a felony. I have also read Executive Order 11652, and the implementing National Security Council directive of 17 May 72 (copies of which are attached) relating to the protection of classified information.

12. Unless released in writing from this agreement or any portion thereof by the Select Committee, I recognize that all the conditions and obligations imposed on me by this agreement apply during my Committee employment or engagement and continue to apply after the relationship is terminated.

I make this agreement without any mental reservation or purpose of evasion, and I agree that it may be used by the Select Committee in carrying out its duty to protect the security of information provided to it.

_____
Signature

_____
Date

WITNESS:

_____
Signature